

## Cicero and Libertarianism

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### Abstract:

In this essay, I focus on Cicero as the father of libertarian private property entitlements and how his position on that matter connects to his outlook on natural law, the common good, the primary function of the state, and the class structure of Roman society. Finally, I provide a summary evaluation of Cicero's aristocratic conservatism that concludes that, unfortunately, at times even the greatest Romans forgot that where human beings are concerned our most resplendent excellences, if torqued too tightly, can degenerate into our most vile shortcomings.

**Keywords:** class structure, class warfare, common good, economic redistribution, libertarianism, principle of proportionate equality, principle of rectification.

To overrate the historical influence of Marcus Tullius Cicero (106-43 BC) is a formidable challenge. He was recognized throughout the centuries after his death as a "leading culture-hero of the age; revered as a great philosopher and superb stylist, hailed as a distinguished popularizer, and praised as a humanistic skeptic who scourged superstition; a courageous statesman and dedicated patriot, the ardent defender of liberty against tyranny". (Wood 1988, 3)

Cicero was all of these things and much more as evidenced by the impact his work exerted on the likes of Machiavelli, Grotius, Locke, Voltaire, Montesquieu, Diderot, Hume, Smith, Burke, Adams, and Jefferson, among countless others.

In this essay, I focus on Cicero as the father of libertarian private property entitlements and how his position on that matter connects to his outlook on natural law, the common good, the primary function of the state, and the class structure of Roman society. Finally, I provide a summary evaluation of Cicero's aristocratic conservatism that concludes that, unfortunately, at times even the greatest Romans forgot that where human beings are concerned our most resplendent excellences, if torqued too tightly, can degenerate into our most vile shortcomings.

Libertarian Private Property Entitlements. Cicero celebrated an aristocratic society grounded in class distinctions. A regiment of social and political principles anchored this conviction.

- The preservation and maintenance of private property is the primary motivation animating the establishment of states and municipalities. (Cicero 2000, 2. 73)
- Amassing property for survival needs and in order to fulfill desires is instinctive and therefore natural for human beings who distinguish common from private property prior to the inauguration of states. (Cicero 2000, 1.11-12, 21-22, 151)
- However, property is not private by nature, but private property arises from enduring occupation, the spoils of war, by contractual arrangements, by law, and other conventional means. (Cicero 2000, 1.21)
- The primary responsibility of state officials is to ensure “that the individual keeps what is his”. (Cicero 2000, 2.73)
- National stability requires harmony among the various socio-economic classes that it turn presupposes that “every individual should maintain free and undisturbed control of his possessions”. (Cicero 2000, 2.78)
- The imposition of property taxes, cancellation of existing debts, agrarian laws regulating the division of public lands, and other redistributive intervention of government undermine the foundations of the state. Such political machinations are tantamount to a theft of private property by one’s neighbor. (Cicero 2000, 2.78-84)
- Rendering aid to the destitute is almost always a function of private charity and not a responsibility of the state. (Cicero 2000, 1. 49)

These seven principles constitute Cicero’s libertarianism regarding private property and its proper relationship to state government. He provides historical evidence, theoretical ruminations, and practical speculations in support of his conclusions.

Historical Evidence. As historical evidence of the folly and injustice of state redistribution he cites the agrarian law reform proposed by tribune Lucius Marcius Philippus (141-73 BC). Although the redistribution measure was defeated in the senate, Cicero viewed the effort as paradigmatic of destructive demagoguery. Particularly noteworthy was that Philippus, a preeminent orator of his day, argued that in a country of around 500,000 inhabitants “less than two thousand persons in the state owned property.” Although Cicero did not dispute or even address Philippus’ calculations, he was outraged at the self-serving populism that presumably underwrote the tribune’s message and the class warfare thereby threatened: “This was a pernicious speech, promoting as it did the equalization of property; what could be more baneful than that?” (Cicero 2000, 2. 73) Whether Philippus actually proposed the equalization of property or whether Cicero was extrapolating wildly from the trajectory of the tribune’s remarks is unclear.

Cicero also reminds readers of the political disaster that followed the popular reforms of the Gracchi brothers, who “failed to gain the approval of good men, and in death they are numbered among those who deserved to be slain” (Cicero 2000, 2.43). Tiberius Sempronius Gracchus (163-133 BC) and his brother Gaius (154-121 BC) were tribunes who over the course of years proposed a host of agrarian reforms and economic redistribution policies. Much public land had come into

the hands of a few wealthy proprietors and speculators, who had enlarged their holdings further by repelling peasants from their farms. These displaced peasants became the idle poor as slaves worked their former lands. Wage-labor was scarce in a slave society and the disenfranchised peasants became a class without an economic home — lacking the property qualifications to enter the military, lacking highly specialized skills, and stripped of their modest territories.

Tiberius Gracchus invoked an obscure ancient Roman decree that limited the amount of acreage owned by any one person and proposed that the holdings of the wealthiest land barons be carved up and redistributed to the urban poor consistent with that archaic precept. His recommendation met an icy reception in the senate, which consisted of many of the prosperous land barons whose holdings would be subject to confiscation. These are the “good men” whose “approval” eluded the Gracchi. Class warfare broke out in earnest. Eventually, Tiberius and a few hundred of his supporters were battered fatally in the Roman Forum.

A decade later, Gaius Gracchi enlarging his base beyond the urbane poor to a segment of the equestrian class, lobbied for expanded political rights for provincials and generous grain price rates for all citizens, as well increasing prosecutions of senators malfasant in their duties while administering the provinces. After a lengthy period of oscillating political fortunes, Gaius committed suicide after learning that a mob of assassins was approaching. For agitating against the political and social *status quo*, and thereby promoting class warfare approaching civil war, the Gracchi were numbered, for Cicero, “among those who deserved to be slain.”

In contrast, Cicero extolled the virtues of those who either rolled back government redistribution efforts or who were obdurately opposed to state meddling in private economic affairs. Accordingly, Marcus Octavius, a political rival of Tiberius Gracchus, and who later repealed the reforms of Gaius Gracchus, gains special mention (Cicero 2000, 2.72), as does Aratus of Sicyon (271-213 BC) for restoring the fortunes of hundreds of formerly wealthy exiles who had been disposed of their holdings by tyrants. (Cicero 2000, 2.81)

Cicero may, however, recognize an exception to his general prohibition against the redistribution of private property. He first rejects, seeming applying natural law along Stoic lines, the proposition that a wise man taking sustenance away from an idle, useless person in order to feed himself and prevent his own death is morally permissible: the biological survival of the wise man is not more important than the prohibition against harming others for his own benefit. (Cicero 2000, 3.29) But Cicero’s conclusion changes if the wise man can greatly advance the common good and the state generally. Here the wise man is justified in depriving neighbors in order to advance his interests but only from the motive of promoting the common good.

If on the other hand you are the sort of person who can greatly benefit the state and society in general by remaining alive, and if with this motive in mind you deprive your neighbor of something, your deed is not blameworthy . . . to desert the path of communal benefit is opposed to nature, because it is unjust . . . what is vital for life should be diverted from one who is idle and useless to one who is

wise and good and brave, for the death of the wise man will be a great loss to the common good.  
(Cicero 2000, 3.30-31)

Cicero apparently considers these cases on only a *personal* level. What one individual, anointed as “wise and good and brave,” should do when requiring the goods of another person, disparaged as “idle and useless,” for survival. He even adds the obvious addendum: “Always supposing, that is, that self-regard and love of self do not exploit this ordinance as a pretext for committing injustice” (O 3.31). Yes, the strong human proclivity in such circumstances is to conclude that (a) I merit the designations “wise and good and brave;” (b) you are “idle and useless;” and (c) upon my survival rests the salutary future of the common good.

Cicero also observes that “if a good man could avoid dying of cold by robbing that cruel and monstrous tyrant Phalaris [the cruel, allegedly cannibalistic despot of ancient Akragas] of his clothing, surely he would do it.” (Cicero 2000, 3. 29) Although he announces descriptively —what the person in need of clothing would do — Cicero seemingly endorses the actions of the “good man” prescriptively.

Combining the differing conclusions in the three cases, Cicero’s moral position may well be captured: natural law requires that the survival needs of one person, even if “wise and good and brave” are insufficient morally to justify depriving another person, even one who is “idle and useless.” Even the idle and useless maintain the rights of fellowship within the human species. However, the survival needs of the “wise, good, and brave” are sufficient morally to justify depriving a person, such as a cruel tyrant, who has renounced and eviscerated shared fellowship within the human species. Finally, the survival needs of a “wise and good and brave” person whose death would greatly enervate or whose continued existence would greatly amplify the common good are sufficient morally to justify depriving another person who is “idle and useless,” even though such a person maintains the rights of fellowship within the human species. Accordingly, Cicero’s interpretation of natural law upholds the interest of society and the fellowship of the human race and communal benefit in all three cases.

From such observations nothing directly and logically follows concerning *state* action. But given the overriding Ciceronian purpose of the state — the preservation and maintenance of private property — to conclude that under the circumstances at issue the state should not only refuse to punish the “wise and good and brave” purloiner but perhaps even facilitate the transfer of goods in the prescribed cases is not unreasonable. This is especially relevant as a way to curb the partially and bias inevitably accompanying merely personal assessments of the merits of specific cases and conditions. At least in principle, a state mechanism for adjudicating such transfer of property claims could offer a measure of objectivity and produce a record of precedents for future decision-making. In that vein, the following, admittedly imprecise, principle stands as a Ciceronian exception to his general prohibition against state redistribution of private property.

- To transfer property in service of the survival of a person who would greatly benefit the state and wider community is sometimes permissible. (Cicero 2000, 3.30-31)

Cicero is perhaps the first proponent of a generally libertarian vision of property entitlements. He does, of course, evince decidedly non-libertarian faith in the common good, state action, and fellowship of the human species that goes beyond the confines of protecting natural, negative rights. But his audacious celebration of the establishment and maintenance of private property as the primary function of the state, and his implacable opposition to economic redistribution schemes should warm the sockets of flinty, libertarian palates. Even Cicero's probable exception to the prohibition against state economic redistribution relates only to the few (such as Cicero?) whose survival offers *great* benefit or prevents *great* harm to the common good.

Theoretical Ruminations. Cicero's theoretical ruminations involve additional social and political principles and corollaries to his libertarian property axioms.

- Although all human beings are morally equal, they are not factually and socially equal. (Cicero 1998, R 1. 43, 53, 69; 2. 39-40, 56-57; L 3.24-25, 28, 38-39)
- Principle of Proportionate Equality: social and political understanding and implementation of existing, significant factual differences in quality, merit, and desert are crucial requirements of justice. (Cicero 1998, R 1. 43, 53, 69; 2. 39-40, 56-57; L 3.24-25, 28, 38-39)
- Any state or government that obliterates social distinctions or that aspires to a classless society thereby violates natural law justice. (Cicero 1998, R 1. 43, 53, 69; 2. 39-40, 56-57; L 3.24-25, 28, 38-39)
- Proportionate equality is attained when citizens are ranked by *dignitas* (worth, merit, reputation) from the lowest to the highest into a scale of political and legal orders. Each citizen occupies a particular station in this rank order. (Cicero 1998, R 1. 43, 69)
- Every citizen has the opportunity for some political input, but those of higher *dignitas* have conclusive authority. (Cicero 1998, R 1. 43, 53, 69; 2. 39-40, 56-57; L 3.24-25, 28, 38-39)

Practical Speculations. Cicero's practical speculations include the suspicion that currying the favor of the masses through economic redistribution is counterproductive to a demagogue's political designs. The wealthy who have been disadvantaged by redistribution remain socially influential and will be resentful, while the poor who have been advantaged will be insufficiently grateful and remain socially insignificant. Thus, economic redistribution will stymie the social strategy of its proponents:

[T]he person who is robbed of his property becomes an enemy, and the man who is given it goes so far as to pretend that he did not want it; above all, he hides delight at the remission of his debts in case it appears that he was unable to meet them. As for the man who has sustained the injustice, he both remembers and makes known his resentment, and even if those who have dishonestly acquired the money outnumber those from who it has been unjustly taken, they are not on that account also

more influential. It is not numbers that count in these situations, but the weight that men bring to bear. (Cicero 2000, 2.79)

Cicero's libertarian property axioms and his social and political principles foster ramifications. To label them logical "implications" may in certain cases be too strong, but they nevertheless arise from his deepest commitments.

- Property holdings, lineage, and overall wealth are prime indicators of social superiority.
- Success in Rome is connected tightly to factual and social superiority.
- Poverty is a stigma that signals larger failings of character (e.g., dishonor, idleness, moral deficiency, criminality, baseness).
- Aspiring to equalize the distribution of private property is unnatural and unjust because doing so ignores the natural rank order of human beings, as well as qualitative differences in the respective *dignitas* of human beings.
- Given the justness of differential property holdings, human beings should be content with their station in the rank order and not manifest resentment or envy toward those of higher economic or political status.

Having digested a generous portion of Cicero's philosophical entrée, populist historians often castigate the erstwhile senator's unsqueamish invocation of aristocratic privilege. For example, Michael Parenti offers the following harsh but instructive evaluation:

A self-enriching slaveholder, slumlord, and senator, Cicero deplored even the palest moves toward democracy . . . He regarded the people as worthless groundlings, akin to criminals and degenerates, 'the common herd,' the 'masses and worst elements . . . many of them simply out for revolution.' He denounced those of pedestrian occupation, 'the artisans and shopkeepers and all that kind of scum' who align themselves with dangerous demagogues, 'the wretched half-starved commoners who attend mass meetings and suck the blood of the treasury.' To him their restiveness was an outgrowth of their own personal malevolence rather than a response to unforgiving material circumstances . . . During his tenure [as consul], Cicero lifted not a finger on behalf of the people and vigorously opposed all reform proposals. (Parenti 2004, 87-88, 92)

**Principle of Rectification.** Any libertarian or quasi-libertarian view on private property must confront a pesky empirical problem: No state has ever enjoyed a context where everyone has all and only that property to which they are entitled within the libertarian normative framework. Critics need not appeal or attempt to justify non-libertarian moral or political principles in order to insist that a principle of rectification is required to supplant the basic libertarian program regarding the distribution of private property. On the contrary, all they need do is invoke a form of immanent critique: reminding libertarians that they must fulfil the promises of their own political agenda. In the instant case, where goods and property were acquired or transferred in violation of Ciceronian principles of natural law, redistribution is required in the interests of justice. The vexing snag is that

a broad principle of rectification, one that could genuinely set things right, may well require governmental intervention into economic distribution far too extensive to maintain libertarian process values generally, while a narrow principle of rectification, one that is administratively plausible, may well be insufficient to restore libertarian understandings of just acquisition and transfer. Thus, libertarianism seems ambushed between the Scylla of self-destructive intercession and the Charybdis of ersatz reclamation.

Cicero does not address the matter directly, but he does offer and analyze an historical example that showcases the direction of his thought on this matter. (Cicero 2000, 2.81-83). He warmly endorses the rectification actions of Aratus of Sicyon as a model of reasonable negotiation and fair economic dealing. To summarize Cicero's account: For fifty years, Sicyon had suffered tyrannical rule. The patriot, Aratus, clandestinely entered the city, through surprise attack he defeated the extant despot, Nicocles, and seized control and restored political freedom. Aratus invited six hundred former citizens, who had been exiled by the tyranny, back into the municipality. Members of this throng were among the wealthiest residents of the *status quo ante*. What was Aratus to do? He could neither welcome the returning exiles as the permanently dispossessed nor could he capriciously evict a generation of extant landowners in Sicyon who had acquired the properties of the exiles and whose reasonable economic expectations were settled.

But then [Aratus] took note of the severe problem posed by the ownership of properties. On the one hand, he considered it wholly unjust that the exiles whom he himself had restored, and whose possessions others had seized, should be deprived of them, but on the other, he thought it hardly reasonable to dispossess those whose ownership was of fifty years' standing, for after that lengthy period many properties were possessed innocently by inheritance or by purchase or by dowries. (Cicero 2000, 2.81)

Thus, Aratus faced squarely the problem of crafting a principle of rectification in a tense political circumstance. Cicero applauds the solution Aratus hatched: "He accordingly decided that [the extant] occupants should not be deprived of [their properties], but that the previous owners should be paid compensation." (Cicero 2000, 2.81) Only one hurdle to justice remained: funding! Aratus understood keenly what contemporary libertarians are fond of reminding us: economic goods are not "manna from heaven." (Nozick 1974, 198) How might the successful warrior secure the money to implement his Solomonic resolution of repatriation?

Aratus journeyed to King Ptolemy II of Alexandria, informed him of the situation, and secured a "huge subvention of money from the wealthy king." (Cicero 2000, 2.82) Aratus then returned to Sicyon and fashioned an appropriate process for judging the land problem on a case-by-case basis.

He called in fifteen leading citizens to advise him, and with them he reviewed the cases of those who were occupying properties not their own, and those who had lost theirs. He put valuations on the

properties, and was able to persuade some to accept money and to abandon their occupancy, and others to regard it as more convenient to be paid the value of their properties rather than to have them restored to them. Harmony thus prevailed; all went off without complaint. (Cicero 2000, 2.82-83)

In this fashion, through seraphic jaw-boning, affable arm-twisting, conjoined to the munificence of a friendly, foreign patron, Aratus earns Cicero's highest tribute: "What a great man [Aratus] was, worthy of having been born a Roman!" (Cicero 2000, 2.83) We must imagine Aratus basking in posthumous glory. Cicero, ever the political opportunist, cannot resist contrasting the wisdom of Aratus with the ignoble confiscations of property transacted by Lucius Cornelius Sulla (139-78 BC) and Gaius Julius Caesar (100-44 BC).

And so the story ends, happily. But a principle of rectification we still lack. In Aratus' case it turns out manna does flow, not from heaven surely, but from the coffers of an opulent, distant monarch. What the episode highlights and which Cicero seemingly endorses is the need for occasional economic rectification through the agency of government. However, we must agree that congenial negotiations between aggrieved citizens and state officials, underwritten by a "huge subvention of money" from foreign potentates falls far short of a practical, general principle of rectification — if for no other reason than the number, resources, and magnanimity of well-disposed alien rulers are markedly limited.

A commonly invoked principle of rectification, broadly consistent with libertarianism, would restrict compensation only to specific individuals whose property rights were violated. The aspiration of such a precept would be to establish the economic pattern that would have existed but for the unjust acquisition or transfer of money or goods. Rights to rectification would vest only in those directly victimized and would thus evaporate rapidly over time. Such a principle could not claim to set things right as such; the vestiges of a measure of past injustice would persist. But this principle may well be the best libertarianism can do given the practicalities and exigencies at issue. After all, libertarians, might argue if one is satisfied only with perfect procedural and substantive distributive justice, he or she boards an express train to the *cul-de-sac* of permanent disappointment. No political program, even in theory, can ensure that ideal.

Of course, virtually insurmountable epistemological problems abound when trying to implement such a principle on a large-scale. The three most obvious uncertainties are relevant time boundaries, measure of damages, and funding of justified claims. How far into the past should rectification peer? Given the currency in slogans such as "behind every great fortune lies a great crime" and "there is a little bit of larceny in us all," we can probably all lodge reasonable claims to being victims of the effects of oppression and wrong-doing should we travel back along ancestral histories. Not even the most rabid libertarian insists that all (almost all? most?) past economical exchanges comply with just principles of acquisition and transfer. Thus, the choice of time boundaries is critical. Also, the measure of damages in most cases of rectification is unclear, especially



the farther back in time of the economic injustice and the more speculative the effects of the inequity.

Robert Nozick offers the following, admittedly vague, advice:

The principle of rectification presumably will make use of its best estimate of subjunctive information about what would have occurred (or a probability distribution over what might have occurred, using the expected value) if the injustice had not taken place. If the actual description of holdings turns out not to be one of the descriptions yielded by the principle, then one of the descriptions yielded must be realized. (Nozick 1974, 152-153)

That such quantification would appeal to Romans is unlikely. More probable is the sort of negotiating exemplified by Aratus wherein the respective parties strive for a mutually acceptable accommodation to a gnarly quandary bereft of a precise solution.

Finally, whatever time horizons and damage measures are in play, the critical question is funding of legitimate claims. Cicero at times is sensitive to the need for a modest economic safety net or some level of welfare provisions for the destitute. Beyond private charity, he advises funding such projects from tapping the resources of the usual sources: the provinces. (Cicero 2000, 2.74)

Most important, Cicero is not trying to solve an unresolvable philosophical problem, the theoretically proper scope of a principle of rectification. Instead, he confronts a practical exercise. Given what he does say and the trajectory of his thought, I would conjecture the following principle might be acceptable to him:

- Where significant and clear economic gain has occurred in violation of principles of just acquisition and transfer, rectification may occur under the following circumstances: the victims (or, possibly, their direct heirs in the next generation) of said violation are living complainants and file timely claims against the direct beneficiaries (or, possibly, their direct heirs in the next generation) or perpetrators (or, possibly, their direct heirs in the next generation) of the economic transgression; the measure of damages, if possible, will be determined by negotiation of the affected parties under the supervision of a designated senator; if negotiation is not possible, then a designated board of state officials will determine the measure of damages after compiling all relevant information; funding for awards will derive, if possible, from the direct beneficiary or perpetrator (or their direct heirs in the next generation) of the economic transgression; if this is not practicable, then the state will maintain a compensation reserve endowed by provincial revenues.

The resulting program falls far short of establishing a just economic scheme, even on Ciceronian principles. Countless past unjust economic acquisitions and transfers will remain unrequited. But an implementable rectification project must include a sunset clause or, in effect, a statute of limitations on the filing of claims. For Cicero such a project should not deplete the tenuous

state treasury, nor require taxing citizens generally, which for him would constitute yet another unjust acquisition and transfer. He is less fretful about putting the arm on provincials who presumably gain so much from their Roman affiliation.

Cicero has at least one advantage over contemporary libertarians. Although he is perhaps the first acolyte of libertarian property rights, he is not otherwise an advocate of a minimal state. On the contrary, political and military activities, honorably conducted in service to Rome, are the most reliable channels to merited personal glory. Thus, where, as in the case of Aratus, extensive state involvement is required for economic rectification that poses no conceptual challenge to Cicero's perception of the proper functions of the state. Moreover, as Philippus' oration reminds us, the number of Roman landowners far exceeded the sum of slaves, disenfranchised peasants, artisans, and the like. Where past economic distribution had occurred, because of the presumably despicable efforts of the likes of the Gracchi, Sulla, and Caesar, such unjust meddling into the arrangement of private property is also eligible for rectification under Ciceronian principles. The principle of rectification, then, does not apply merely to redressing further advantages the wealthy have gained over the poor, but also the reverse. Indeed, Cicero is a tenacious champion of minority property rights — always prepared to defend the economic claims of the few “good men” against the thievery of demagogic politicians and the envious horde of “idle and useless” human parasites!

Common Good. The expressions “common good” and “public interest” exude prodigious rhetorical currency. What person of high rectitude could sneer at such invocations? The most cynical pundits are prone to sentimentality in the face of such concepts, even if retaining their skepticism about their political realization. Few major historical thinkers summon the “common good” more frequently than Marcus Tullius Cicero. How, though, does the Ciceronian common good cash out?

Surely, Cicero does not equate common good to the aggregation of all individual interests in the state or to the sum of the interests of all individual citizens. Cicero disparages appeals to numerical equality and the equal consideration espoused by representative democracies. As the apostle of proportionate equality, Cicero fashions the common good in accord with aristocratic Roman values of the rank order of *dignitas*. Despite the fact that the Roman senate was comprised of around 600 men and the entire aristocratic class (senators, equestrians, and decurions) in Italy consisted of just over 42,000 men, Cicero, when applying his principle of proportionate equality, characteristically finds their defining power of the common good greater than those of citizens at large. Elsewhere I described it thusly:

The Roman aristocracy had hijacked the common good: What was good for the *optimates* [“best men”] and their fellow travelers was good for Rome. This theft was not contrived cynically and self-consciously. Instead, three ideological dimensions converged to design the result. First, the romance of civil socialization: the grand parables and heroic epics of how brave Romans and founding fathers had resisted kingly oppression both internal and external in forging centuries of world supremacy. Second, isolation from the core of Roman life: the aristocracy willingly profited from slave labor and

poorly paid free labor, but had little or no understanding of the legitimate grievances less fortunate people embodied. Third, the universalizing of their own class interests as the common good of the entire polity: the aristocracy deluded itself that the privileges and prerogatives its members enjoyed were the natural outcome of the rule of law neutrally applied. (Belliotti 2009, 165)

For Cicero and those of his ilk, the stability of the state and the well-being of the entire Romanized world depended upon the “best men” successfully pursuing and attaining traditional Roman values: engaging in ruthless, zero-sum, competition in military and political settings; striving for deserved, enduring glory, as well as fame, honor, and *dignitas*, by advancing the goals of the state; and emulating and amplifying the glorious deeds of past Roman icons. For Cicero, the principle of proportionate equality was not a device allowing the most privileged Romans to merely enlarge their own material coffers. That of itself would not advance the common good. Instead, the principle of proportionality was required to establish and maintain a state powerful enough to confer security, order, glory, and the splendor of external validation upon the entire body politic.

Roman Class Structure. Around the time of Cicero, almost 1,000,000 people (of whom over 300,000 were slaves) populated the city of Rome; Italy contained 6,000,000 inhabitants (2,000,000 of whom were slaves); and the total population of the entire Roman Empire was almost 50,000,000 (almost 20% of the world’s population). (Wood 1988, 16-17)

Italy remained mostly a rural society with around 70% of the population residing in rustic locales, engaged mainly in agriculture. The provinces outside of Italy were even more densely inhabited by peasants. Combining the statistics in Italy with those of the provinces brings the total population engaged in agriculture to over 80% of the total population of about fifty million.

Thus, as described by Neal Wood:

Agricultural land remained the foundation of the economy and agricultural wealth derived from the exertions of independent and dependent peasants and agrarian slaves was the foundation of power and prestige. A very small, leisured, aristocratic class, whose members were of varying degrees of wealth and influence, owned or controlled the productive land of Roman Italy and had succeeded in dominating state and society. (Wood 1988, 16)

The ruling political and social class in Rome, the aristocracy, consisted of three strata of the “best men” and their families. At the pinnacle of the aristocratic hierarchy were the 600 hundred senators, whose *dignitas* was grounded in their genealogy, wealth, education, and public accomplishments. Their massive “collective wealth came from inheritance, rents, the exploitation of slave labor on large landed estates, commercial investment at home and abroad, and the enormous profits reaped from holding posts in the provinces.” (Wood 1988, 16) A significant measure of the “profits” garnered from administering the provinces arose from taxing provincials exorbitantly, confiscating their property, and lending money at usurious rates. (To his credit, Cicero’s provincial

administration, as a quaestor of Western Sicily, was a model of fairness, honesty, compassion, and economic austerity.)

The second aristocratic rung, one enjoying far less prestige and influence than the senatorial fraternity, consisted of about 2,000 equestrians. Some were quite wealthy, but they lacked the noble lineage and higher political connections distinguishing senators: “Most equestrians were country squires, living on their estates and perhaps owning a townhouse in Rome . . . the richest . . . made large fortunes by being public contractors, engaging for private profit in numerous state enterprises and services: provisioning, building, mining, banking, operating the postal system; and collecting taxes, custom duties, and rents from public lands. Yet their wealth was firmly rooted in landed property.” (Wood 1988, 16-17) Other members of this category engaged in private banking and commercial trading.

The third stratum on the aristocratic hierarchy was the decurion class (not to be confused with Roman cavalry officers designated by the same title). The decurions were “the one hundred leading proprietors in each of the 434 municipalities [of Italy] who sat in the local councils”. (Wood 1988, 17) The decurions were the most powerful local politicians who oversaw public contracts, public entertainment, religious rituals and festivals, and tax collection within their city.

Beneath the aristocratic strata were the seemingly boundless swarms of peasants, urban poor (consisting of freeborn, mostly displaced peasants, and more recently freedmen), and slaves. Within the city of Rome, more than 90% of the population consisted of urban poor and slaves. Outside of Rome, around 60% of the inhabitants were peasants. Their lives anticipated Thomas Hobbes’ imaginings of life within a state of nature: nasty, brutish, and, too often, short. Engaged overwhelmingly in a bestial struggle to survive, peasants worked the land of the leisured rich and allowed these “best men” to vie for eternal, deserved glory. They labored without expectation of upward mobility along with considerable anxiety about retaining their meager *status quo*: “For all his labors in the service of the ruling class, the peasant . . . was rewarded with [economic] displacement by the increasing use of agrarian slaves; dispossession of his land, often through forcible seizure and confiscation, and of his rights to common land; indebtedness; and ever greater hardship and poverty.” (Wood 1988, 18)

The urban poor, especially those inhabiting the horrifying slums of Rome, were menial laborers, construction workers, tradesmen, and professionals. They were the butchers, bakers, candlestick-makers, dock workers, carters, builders, metal workers, teachers, painters, household agents, and most everything else. Even the more fortunate of these sons did not rise to middle-class status. Only a precious few gained the resources and connections to move up the social hierarchy.

At the bottom of Roman society were, of course, slaves, who amounted to more than 30% of the population of the city of Rome. They performed functions similar to those sustained by peasants and the urban poor, but endured lower legal and social standing. In sum, peasants, the urban poor, and slaves were the productive forces that fueled the economy of Rome and the entire Empire. To label these the exploited classes is to describe too daintily the obvious.

Accordingly, “[t]he 40,000 or so decurions headed by the 2,600 senators and equestrians formed a ruling class (including families) of about 3 percent of the entire Italian population [numbering around six million], controlling the destinies of nearly fifty million souls in the Empire.” (Wood 1988, 17) Lucius Marcius Philippus’ rough calculations, it would appear, were not far from the stone cold truth. What Cicero disparaged as fomenting class warfare may well have been little more than the audit summary in an annual report of the state of the Roman nation.

Evaluating Cicero. At this point, to conclude that Cicero was nothing more than an overly-educated, self-congratulatory, supercilious prig zealously protective of class privilege and ever innovative in concocting exploitive economic schemes and self-promotional literature is scrumptiously seductive. But is reality truly so simple and retrospective investigation genuinely so accurate?

Cicero also exalted the duty of generosity, the obligation of private charity, as a crucial requirement of natural justice. Within the dictates of our own resources, the fellowship of human race behooves us extend ourselves to others. Prudence militates that we should not subsidize others to the point of marginal utility — where we diminish our resources to the point that we become virtually as needy as those we have just helped — but those who fail the duty of charity merit moral disapprobation.

Here, as ever, we must recognize the principle of proportionate equality: those who are in need but who have contributed or could contribute more to the common good (i.e., the ruling aristocrats in rank order) are more deserving than those in comparable need who have contributed or could contribute less to the common good. Natural justice levies, among others, a positive moral duty to care for others in proportion to their worth and in accordance with our resources. (Cicero 2000, 1.15, 20, 23, 42-45) Those able to fulfill the duty to charity, invariably aristocrats, should look first to those of their ilk prior to benefiting the urban poor. Cicero concludes, “The interests of the community and its coherence will best be served if our bounty is bestowed most of all on those most closely connected with us.” (Cicero 2000, 1.50)

Cicero draws clear delineations among the circles of concern enclosing the fellowship of the human species.

There is the closer link [than to the entire human species] between those of the same race, nation, and tongue, which unites men intimately. Within in this group lies the closer union of those from the same city-state . . . and beyond these, the circles of acquaintances and close friends, and the many who have connections with each other in public affairs and in business. Closer still is the social bind between kindred. (Cicero 2000, 1. 53)

A hasty conclusion would insist that this is more of the same: Cicero bleating on compassionately about the temporary material setbacks of the most fortunate segments of society while consigning the ongoing tribulations of the disenfranchised to the back of the ox cart. But Cicero is unsparingly critical of greedy acquisition, relentless accumulation for its own sake, and the

pursuit of individual glory outside the context of community aggrandizement. (Cicero 2000, 2. 71, 77; 1998, R. 1. 27-28) For Cicero, the pivotal value in charitable endowments is, as always, the common good. By prioritizing those who can better advance of the agenda of the state we are thereby subsidizing communal interests. Just as the pursuit of glory unfettered to Roman communal values is mere celebrity or fame lacking normative moorings, material accumulation and charitable donations fail the flats of natural justice when they are uprooted from grounding in the common good.

Cicero's allegiance to the common good remains unrepentantly aristocratic: What advances the aristocratic class facilitates the interests of the entire Roman world. He imagines a Rome, Italy, and world where the senate is stripped of authority and *dignitas* and he shudders. He does so not merely out of fear of relinquishing class privilege, but also for what would become of the peasants, urbane poor, and even slaves under such circumstances. Would they suddenly rise to higher life prospects? Would they enjoy greater protection, more security, increased possibilities for upward mobility? Or would their lives embody even starker destitution without the derivative glory of being or having the possibility of becoming Roman citizens?

Cicero's greatest failing may have been myopic vision and failure of imagination. He accepted too readily the familiar as the inevitable. He was trapped in the false necessity that any substantive change in Roman political institutions must constitute social degeneration. A scion of the equestrian class, he knew only too well the vast social canyon between those brandishing genetic ties to the Roman senatorial class and those, however seemingly capable, who lacked such pedigrees. Only through unprecedented rhetoric skill, political maneuvering and alliance, legal brilliance, opportunistic marriage, and preternatural scholarly industry could a *novus homo* (new man, one lacking genetic ties to the Roman senate), such as Cicero, scurry up the prestigious rungs of Roman society and punch his ticket to secular immortality.

That Cicero was able to ascend the *cursus honorum* – the course of honors defining the sequence of Roman political offices — and become a quaestor, curule aedile, praetor, and consul, holding each office at the youngest age of eligibility, both vivified his soul and deepened his insecurities. He remained “only” a *novus homo*. The entire process, however, deepened his commitment to fundamental Roman values and allegiance to the social and political system within which he was affirmed.

Throughout his political and philosophical life, Cicero was tormented by at least five often conflicting vectors that coalesced uneasily in his practical and theoretical analyses. (Bellioti 2009, 19) He was drawn to the epistemological underpinnings of the Skeptical Post-Platonic Academy that renounced dogmatism and certitude, and accepted the authority of probabilism as a guide for action. Cicero was also drawn to the fundamental tenets of Stoic ethics that accepted human wisdom, grounded in virtue in accord with natural law, as paramount for leading a good life. He was further convinced that republicanism in politics, rooted in proportionate equality and safeguarding entitlement to private property, was the demonstrably superior form of government. The fourth

vector was faith in the practical tests of Roman history. By appeal to historical examples, drawn mainly from the glory days of Roman republicanism, extant traditions, customs, religious rituals, and social sentiments could be sustained and intensified in service to the common good. Finally, Cicero's own pre-theoretical aspirations including faith in the marriage of moral virtue and human fulfillment, in the inextricable bond between moral rectitude and social expediency, and in the standing of moral virtue as the only genuine human good.

Cicero challenged himself and his fellow aristocrats to approach the standards of past Roman ideals, the *mores maiorum* (the ancestral ways). He was undeniably imprisoned by the past and too inflexible to swim with the changing tides of political exigency. Blinded by his allegiance to an increasingly archaic class structure, he sought solution to government maladies only in crafting abler aristocrats who would revive the idyllic social interpretations that retrospective falsification had cultivated within him. A zealous patriot and (relatively) virtuous statesman whose own success had only confirmed his fidelity to the *mores maiorum*, Cicero, ultimately, provides unwittingly a human-all-too-human moral and political lesson: Our most sublime virtues and excellences, if wrung too tightly, can deflate into our most pedestrian shortcomings.

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